

54

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/870,945	AGNEVIK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew C. Lee	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/07/2006.
2. ☒ The allowed claim(s) is/are 1-4,6-15,17-31,33-44,46-50 renumbered 1-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948).</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|---|

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. H. Warren Burnam, Jr. on 1/28/2007.

2. The application has been amended as follows:

- Claim 1 has been amended as follows:

1. A method of managing traffic for transport on an Asynchronous Transfer Mode (ATM) virtual path (VP), the method comprising:

forming an ATM Adaptation Layer 2 (AAL2) path group which comprises plural AAL2 paths, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes;

admitting connections based on available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path;

including, for transport on a same virtual path (VP), ATM cells of a second type other than a the first type of ATM cells which comprise the AAL2 path group.

Art Unit: 2616

- Claim 5 had been canceled.
- Claim 6 has been amended as follows:

6. The method of claim 5, wherein the first type of ATM cells comprises AAL2 cells having an unspecified bit rate (UBR) and the second type of ATM cells comprises AAL2 cells have a bit rate type other than UBR.

- Claim 11 has been amended as follows:

11. A node of an Asynchronous Transfer Mode (ATM) comprising:

a plurality of ATM Adaptation Layer 2 (AAL2) paths which together form an AAL2 path group, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes, wherein a connection being admitted to one of the AAL2 paths of the AAL2 path group is based on available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path;

a path group scheduler which selects ATM AAL2 cells from the plurality of AAL2 paths;

a non-path group ATM virtual circuit (VC) which includes ATM cells of a second type other than the ATM cells of a the first type which comprise the AAL2 path group;

a scheduler which applies ATM cells of the path group and the non-path group ATM virtual circuit (VC) to a same ATM virtual path (VP) for transmission to another node of the network.

- Claim 16 had been canceled.

- Claim 24 has been amended as follows:

24. An Asynchronous Transfer Mode (ATM) network comprising:

a first network node;

a second network node;

an ATM virtual path (VP) connecting the first network node and the second network node; wherein the first network node comprises:

a plurality of ATM Adaptation Layer 2 (AAL2) paths which together form an AAL2 path group, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes, wherein a connection being admitted to one of the AAL2 paths of the AAL2 path group is based on available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path;

a path group scheduler which selects ATM AAL2 cells from the plurality of AAL2 paths;

a non-path group ATM virtual circuit (VC) which contains ATM cells of a second type other than ATM cells of ~~a~~ the first type which comprise the AAL2 path group;

a scheduler which applies ATM cells of the path group and the non-path group ATM virtual circuit (VC) to the same ATM virtual path (VP) for transmission to the second network node.

- Claim 32 had been canceled.
- Claim 41 has been amended as follows:

Art Unit: 2616

41. Apparatus for managing traffic for transport on an Asynchronous Transfer Mode (ATM) virtual path (VP), the ~~method~~ apparatus comprising:

means for forming an ATM Adaptation Layer 2 (AAL2) path group which comprises plural AAL2 paths, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes;

means for admitting connections based on available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path;

means for including, for transport on the same virtual path (VP), ATM cells of a second type other than a the first type of ATM cells which comprise the AAL2 path group.

- Claim 46 has been amended as follows:

46. The method of claim 45 41, wherein the first type of ATM cells comprises AAL2 cells having an unspecified bit rate (UBR) and the second type of ATM cells comprises AAL2 cells have a bit rate type other than UBR.

### ***Allowable Subject Matter***

3. Claims 1 – 4, 6 – 15, 17 – 31, 33 – 44, 46 – 50 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of the record, in single or in combination, does not disclose explicitly the limitations of "forming an ATM Adaptation Layer 2 (AAL2) path group which comprises plural AAL2 paths, the AAL2 path group comprising a first type of ATM cells

Art Unit: 2616

from AAL2 paths with differing quality of service (QoS) classes" recited in claim 1; "a plurality of ATM Adaptation Layer 2 (AAL2) paths which together form an AAL2 path group, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes" recited in claim 11; "a plurality of ATM Adaptation Layer 2 (AAL2) paths which together form an AAL2 path group, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes" recited in claim 24; "means for forming an ATM Adaptation Layer 2 (AAL2) path group which comprises plural AAL2 paths, the AAL2 path group comprising a first type of ATM cells from AAL2 paths with differing quality of service (QoS) classes" recited in claim 41.

4. Additionally, all of the further imitations in claims 2 – 4, 6 – 10, 12 – 15, 17 – 23, 25 – 31, 33 – 40, 42 – 44, 46 – 50 are allowable since the claims are dependent upon the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2616

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ACL/

Feb 02, 2007



WING CHAN  
SUPERVISORY PATENT EXAMINER